

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Russell Geissler, #349604,)	C/A No. 4:17-1746-MBS-TER
)	
Plaintiff,)	
vs.)	ORDER
)	
Bryan P. Sterling,)	
Lefford Fate,)	
)	
Defendants.)	
_____)	

Defendants filed a Motion for Extension of Time to file dispositive motions. (ECF No. 67). The current deadline is December 22, 2017. Defendants request extension until February 6, 2018. The court grants an extension until January 22, 2017.

The court has reviewed Plaintiff's Motion for Preliminary Injunction filed September 25, 2017. (ECF No. 35). This district court in the past has considered the issue of treatment with direct acting antiviral drugs and in another case allowed claims for injunctive relief to continue past the 12(b)(6) stage and appointed counsel. *See Cunningham v. Sessions, et al*, No. 9:16-cv-01292-RMG (May 31, 2017); *cf. Abu-Jamal v. Wetzel*, C.A. No. 3-16-2000, 2017 WL 34700 (M.D. Pa. Jan. 3, 2017)(finding deliberate indifference).

In light of the Plaintiff's pending motion for preliminary injunctive relief and the state of the law regarding this issue, the court now reconsiders Plaintiff's Motion for Appointment of Counsel filed in September 2017. (ECF No. 29). In reviewing Plaintiffs claims, it appears to the Court that this pro se litigant has a colorable claim but lacks the capacity to properly present such a claim. *See Gordon v. Leeke*, 574 F.2d 1147, 1153 (4th Cir. 1978) (noting that the Court should appoint counsel in such situations). In such a circumstance, the Court has the discretion to appoint counsel for the prose litigant if the party is unable to afford counsel. 28 U.S.C. § 1915(e). Finding that appointment

of counsel is proper under these circumstances, the Court GRANTS Plaintiffs motion to appoint counsel and appoints Christopher J. Bryant, Esq. as counsel for Plaintiff.

IT IS SO ORDERED.

s/Thomas E. Rogers, III
Thomas E. Rogers, III
United States Magistrate Judge

January 9, 2018
Florence, South Carolina